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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,388	09/27/2000	Michael Ginsberg	MS150832.2	6789

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EXAMINER
MOISE, EMMANUEL LIONEL

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/671,388	GINSBERG, MICHAEL
	Examiner	**Art Unit**
	Emmanuel L. Moise	2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2004*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Response to Arguments

1.　　This Office action is responsive to Applicant's Reply to Final Office action received July 15, 2004. Claims 1-20 are pending.

2.　　Applicant's arguments regarding the final rejection of claims 1-5, 7-8, 10, 12-14 and 17-19 as being anticipated by McNabb, and claims 6, 9, 11, 15-16 and 20 as being unpatentable over McNabb in view of McManis, are persuasive and, therefore, the finality of the previous Office is withdrawn. However, Applicant's arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

3.　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.　　Claims 1-5, 7-8, 10, 12-14, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipate by Anglin (U.S. Patent No. 6,260.069).

5.   As per claims 1, 10, and 12, Anglin teaches the claimed system or method for regulating access to a distributed computing platform (see Figure 1), comprising: an application environment associated with a first module, the first module requesting access to the distributed computing platform (column 5, lines 18-21); and a component that analyzes the first module and the application environment associated with the first module, the component determines a level of access to the distributed computing platform and applies a trust level to the first module corresponding to the determined level of access (column 5, lines 22-26).

6.   As per claims 2 and 19, the component in Anglin's system (see Figure 1 and column 5, lines 22-26) that analyzes the first module inherently provides for inheritance of the trust level in the distributed computing environment.

7.   As per claims 3 and 13, having the component of Anglin's system that analyzes the first module provide for marking the first module with at least one of states: (1) fully trusted, (2) run restricted, and (3) fail to load, can be implemented by a person of ordinary in the art without departing from the spirit and scope of the invention since the authentication service in Anglin's system can perform this function (column 5, lines 22-42).

8.   As per claim 4, the component in Anglin's system is inherently stored in a ROM in the platform (Figure 1, element 12).

9.   As per claim 5, the component in Anglin's system is also part of an operating system (see Figure 1 and column 5, lines 22-26).

10.   As per claims 6 and 20, the trust level in Anglin is also utilized to regulate access to the distributed computing platform of one or more second modules called by the first module (see Figure 1).

11.   As per claim 7, the functionality of one or more Application Programming call Interface (API) calls, when called by the module, can also be selectively restricted depending on which authentication service is used to indicate the level of access or trust (column 5, lines 22-42).

12.   As per claims 8-9, and 16, Anglin suggests that selectively restricting the functionality of one or more API calls includes restricting the functionality to read functions or terminating the first module since Anglin teaches to issue a session authentication ticket to the client indicating the level of access the client has to files maintained in the server (column 5, lines 22-42).

13.   As per claim 11, Anglin's system inherently applies the trust level to one or more second modules called by the first module since the authentication service in Aglin is also used in a distributed computing environment (column 5, lines 22-26).

14.   As per claim 14, the trust level for the first module in Anglin also comprises transmitting the first module to a verification program (authentication service, column 5, lines 22-230.

15.   As per claim 15, the claimed invention can be implemented by a person of ordinary skill in the art without departing from the spirit and scope of the invention since the authentication service in Anglin's system can selectively abort calls made to one or more APIs (column 5, lines 22-42).

16.   As per claims 17 and 18, Anglin inherently teaches that the program for

determining the trust level for the first module, or the logic for applying the trust level to

regulate access to the platform (distributed computing environment0 is stored in a ROM

in the paltform (see Figure 1, elemnt 12).

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure (U.S. Patent No's 6,163, 844 and 6,505,300).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Emmanuel L. Moise whose telephone number is

(703)305-9763. The examiner can normally be reached on M-W (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz R. Sheikh can be reached on (703)305-9648. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Emmanuel L. Moise
Primary Examiner
Art Unit 2136